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No.2729, CUTTACK, SATURDAY, AUGUST 16, 2025/ SRAVANA 25, 1947

HOME (ELECTIONS) DEPARTMENT

NOTIFICATION

The 16th August, 2025

No.4144─EC-CON-MISC-0016-2025/Elec. ─ The following Notification dated 14th August, 2025 issued by Election Commission of India, New Delhi is hereby published in the *Odisha Gazette* for general information.

By Order,
R.S.GOPALAN
Chief Electoral Officer

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

Dated:- 14th August, 2025
23 Sravana, 1947 (Saka)

NOTIFICATION

No.82/OR-LA/(23/2024)/2025 :- In pursuance of Section 106 (b) of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the Order dated 28th July, 2025 of the High Court of Odisha, Cuttack in Election Petition No. 23/2024.

IN THE HIGH COURT OF ORISSA AT CUTTACK
ELPET No.23 of 2024

Lalit Kumar Behera ***.....*** ***Petitioner***

Represented By Adv. -
None

-versus-

Dhruba Charan Sahu & Others ***……*** ***Opposite Parties***

Represented By Adv. -
M/s Gopal Agarwal,
Senior Advocate.
Mr. D.P. Nanda,
Senior Advocate.

CORAM:

THE HON'BLE MR. JUSTICE ANANDA CHANDRA BEHERA

ORDER

28.07.2025

Order No.

33. 1. This matter is taken up through hybrid mode.

2. This Election Petition was listed today for hearing.

3. None appears from the side of the Election Petitioner.

Learned Senior Advocates for the respondents are present.

4. It appears from the record that, in the last date also, neither Election Petitioner nor his engaged counsel was present.

It is the settled propositions of law that, the trial of Election Petition commences from the date of the receipt of the Election Petition by the Court and continues till the date of its decision.

5. On this aspect, the propositions of law has already been clarified in the ratio of the following decisions:

(I) In a case between ***Kailash Vs. Nanhku & Others*** & reported in ***(2005) 4 Supreme Court Cases 480 & 2013 (4) CCC (SC) 315 (Para No.9)*** that, the trial of an Election Petition commences from the date of the receipt of the Election Petition by the Court and continues till the date of its decision.

(II) In cases between ***Shesmani Nath Tripathy Vs. Shri Dinesh Rawat*** & ***Lourembam Rameshwor Vs. Md. Nasiruddin Khan & Others*** reported in ***Election Petition No.77 of 2022 (Allhabad)*** & ***MC (El. Pet.) No.158 of 2022 (Manipur)*** that, the trial of an Election Petition commences from the date of the receipt of the Election Petition by the Court and continues till the date of its decision.

6. When, this Election Petition filed by the petitioner was listed today for hearing and when, as per law, the trial of the Election Petition commences from the date of the receipt of the Election Petition by the Court and continues till the date of its decision and when none has appeared today from the side of the Election Petitioner to participate in the hearing of this Election Petition and when it is the intention of the legislature as per Section 86(7) of the Representation of the People Act, 1951, the trial of an Election Petition is required to be concluded within six months from the date of its presentation and when neither the election petitioner nor his counsel is present today in the Court

to adduce evidence from the side of the Election Petitioner, then, at this Juncture, there is no other alternative for this Court, but to dismiss the Election Petition of the petitioner for the default of the Election Petitioner.

7. Hence, the Election Petition filed by the Election Petitioner is dismissed for the default of the Election Petitioner.

8. As such, this Election Petition is disposed of finally being dismissed for the default of the petitioner.

9. In view of the final disposal of this Election Petition, as per Section 103 of The R.P. Act, 1951, Registry is directed to communicate this Order immediately to the Election Commission of India, Chief Electoral Officer, Odisha and the Speaker of the Odisha Legislative Assembly, Bhubaneswar.

Sd/-
(ANANDA CHANDRA BEHERA)
Judge

Rati Ranjan

True copy
sd/-
dated 31/7/25
Supdt.

By Orders,
Sd/-
(SUJEET KUMAR MISHRA)
SECRETARY
ELECTION COMMISSION OF INDIA

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